

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**JONATHAN ALLY,**  
**Plaintiff**

**v.**

**COMMONWEALTH OF  
PENNSYLVANIA, et al.,**  
**Defendants**

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**No. 1:19-cv-01272**

**(Judge Kane)**  
**(Chief Magistrate Judge Schwab)**

**ORDER**

Presently before the Court is the October 31, 2019 Report and Recommendation of Chief Magistrate Judge Schwab, recommending that the Court dismiss Plaintiff Jonathan Ally (“Plaintiff”)’s claims against the Commonwealth of Pennsylvania on the basis that the claims are barred by operation of immunity under the Eleventh Amendment to the United States Constitution and remand the above-captioned case to Chief Magistrate Judge Schwab for further proceedings. (Doc. No. 10.) No timely objections to the Report and Recommendation have been filed.

**AND SO**, on this 25th day of November 2019, upon independent review of the record and applicable law, **IT IS ORDERED THAT:**

1. Chief Magistrate Judge Schwab’s Report and Recommendation (Doc. No. 10) is **ADOPTED**;
2. Plaintiff’s claims asserted against the Commonwealth of Pennsylvania are **DISMISSED WITH PREJUDICE**;<sup>1</sup> and

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<sup>1</sup> In the Report and Recommendation, Chief Magistrate Judge Schwab concluded that permitting Plaintiff leave to amend would be futile, in light of the Commonwealth being immune from liability as a result of the Eleventh Amendment. (Doc. No. 10 at 7.)

3. The above-captioned action is **RECOMMITTED** to Chief Magistrate Judge Schwab for further pretrial management.

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania